

REMARKS

I. Status Of The Claims

Claims 1-23, 25-35, and 37-56 are pending in this Application.

Claims 1, 4, 5, 8, 11, 13, 14, 18, 20, 21, and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Tracton (U.S. Patent No. 6,470,378).

Claims 48-52 are rejected under 35 U.S.C. 102(e) as being anticipated by Fraccaroli (U.S. Patent No. 6,549,768).

Claims 53-55 are rejected under 35 U.S.C. 102(e) as being anticipated by Barton (U.S. Patent No. 6,233,389).

Claims 10, 12, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracton in view of Douma (U.S. Patent No. 6,233,633).

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tracton in view of Bi (U.S. Patent No. 6,724,372).

Claims 6, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracton in view of Walker (U.S. Patent No. 6,263,505).

Claims 22 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracton in view of Walker and Cheung (U.S. Patent No. 6,549,786).

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracton in view of Ishii (U.S. Patent No. 6,175,739).

Claims 7, 9, 26, 27, 32-35, 37, 41, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracton in view of Breslauer (U.S. Patent No. 6,637,027).

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tracton in

view of Breslauer and Bi.

Claims 29-31, 38, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracton in view of Breslauer and Walker.

Claims 39, 42, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracton in view of Breslauer, Walker, and Cheung.

Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barton.

Claims 1, 13, 27, 45, 48, and 53 are independent.

II. Rejections of Independent Claims 1, 13, 27, 45, 48, and 53

The Office Action rejects independent claims 1 and 13 under 35 U.S.C. 102(e) as being anticipated by Tracton, rejects independent claim 27 under 35 U.S.C. 103(a) in view of Traction and Breslauer, and rejects independent claim 45 under 35 U.S.C. 102(e) as being anticipated by Kwoh. Moreover, the Office Action rejects independent claim 48 under 35 U.S.C. 102(e) as being anticipated by Fraccaroli, and rejects independent claim 53 under 35 U.S.C. 102(e) as being anticipated by Barton.

Turning to independent claims 1, 13, and 27, Applicants respectfully submit that that Tracton fails, for example, to disclose, teach, or suggest:

“... optimizing said data signal for output; and
presenting said optimized signal as output ...”

as set forth in claim 1 (emphasis added). Applicants further submit that Traction fails, for example, to disclose, teach, or suggest:

“... a display interface connected to a media decoder to
optimize said received over the air data signals for display
...”

as set forth in claim 13 (emphasis added). Moreover, Applicants submit that Tracton and

Breslauer, taken individually or in combination, fail, for example, to disclose, teach, or suggest:

“... a display interface connected to said media decoder to optimize said received data for display ...”

as set forth in claim 27 (emphasis added).

The Office Action argues that at col. 10 lines 25-26 Tracton teaches optimization by discussing “reconfigur[ing] or otherwise alter[ing] the computer system’s operation and/or processing of signals”:

“Tracton discloses that ... the results of that manipulation causes the computer to be reconfigured or causes a different processing of the data signals for output (optimization)”
(see Office Action, p. 2; emphasis added).

Applicants believe it clear that discussion of merely “reconfigur[ing] or otherwise alter[ing] the computer system’s operation and/or processing of signals” is not disclosure, teaching, or suggestion of optimization.

Applicants note, for example, that the definitions of the word “optimize” cited by the Office Action embody aspects such as “increase[ing] ... speed and efficiency”, “get[ting] the most out of”, “us[ing] best”, and “maximum efficiency”. Applicants respectfully submit that discussion of “reconfigur[ing] or otherwise alter[ing] the computer system’s operation and/or processing of signals” fails, for instance, to disclose, teach, or suggest any such aspects.

Turning to independent claim 45, Applicants submit that Kwoh fails, for instance, to disclose, teach, or suggest “activating the receiver in accordance with service information” as set forth in the claim (emphasis added).

The Office Action apparently equates the “VPS code” of Kwoh to service information, and argues that the above-indicated aspect of claim 45 is disclosed at col. 7 lines 8-41 of Kwoh. However, Kwoh instead discusses “enable[ing] power to a drive (not shown) for tape cassette” (emphasis added) in view of the “VPS code” and a “start time value”:

“... microcomputer 24 transmits a command via IR transmitter 34 to VCR 44 causing record control 51 to enable power to a drive (not shown) for tape cassette 44a and enable or begin recording the program on tape cassette 44a. This occurs as soon as the start time indicated by the decoded VPS code matches or equals the start time value at the top of the stack 24d (step 72)”
(See Kwoh col. 7 ln. 32-38; emphasis added).

Kwoh makes it clear that “tuner 42” is not turned on in view of the “VPS code”, but is instead turned on in view of the “start time value” and the time of day:

“...microcomputer 24 turns on tuner 42 a predetermined amount of time, such as three hours, but preferably at least 5 minutes, prior to the time indicated by the start time value to ensure that programs that are advanced in transmission time are properly recorded (step 64)”
(See Kwoh col. 6 ln. 49-53; emphasis added).

Turning to independent claim 48, Applicants submit that Fraccaroli fails, for example, to disclose, teach, or suggest:

“... determining a current communications environment; and selecting one of a first transceiver and a second transceiver to provide interactivity with received over the air data signals”

as set forth in the claim (emphasis added).

The Office Action, indicating that Fraccaroli discloses “reading a user preference for mode of delivery”, argues that Fraccaroli discloses the above-identified aspects of claim 48 among col. 3 lines 1-29 and 46-55, and col. 11 lines 12-29.

However, the cited portions of Fraccaroli do not disclose, teach, or suggest the above-identified aspects of claim 48. Applicants note that Fraccaroli’s discussion that:

“[t]he preferences for the mode of delivery of the message signal in the event of a match, can be decided individually by each user and stored in their respective matching profile”
(see Fraccaroli col. 11 ln. 16-19)

refers not to preferences for delivery via “WLAN or Bluetooth” versus “CDMA or GSM

transceiver” as suggested by the Office Action, but instead to preferences for whether the message signal is sent to only one of the two mobile stations involved in a match, or to both of those mobile stations:

“... although the message signal to only one of the two mobile stations has been discussed, a message signal could be sent to both of the mobile stations in either one of the variations described above so that the user of either one of the two mobile stations can initiate the call. The preferences for the mode of delivery of the message signal in the event of a match, can be decided individually by each user and stored in their respective matching profile”
(see Fraccaroli col. 11 ln. 12-19; emphasis added).

Turning to independent claim 53, Applicants submit that Barton fails, for instance, to disclose, teach, or suggest:

“... activating a receiver at a time a user wishes to receive broadcast data ...”
(emphasis added)

as set forth in the claim.

The Office Action contends that Barton discloses such at col. 10 lines 10-18. However, this portion of Barton instead discusses switching on recording selective portions of a signal that is already incoming:

“[a]n important feature of this apparatus is the ease with which it can selectively capture portions of an incoming signal under the control of program logic. Based on information such as the current time, or perhaps a specific time span, or perhaps via a remote control button press by the viewer, a TmkClipWriter 1106 may be switched on to record a portion of the signal, and switched off at some later time”
(emphasis added).

In view of at least the forgoing, Applicants respectfully submit that claims 1, 13, 27, 45, 48, and 53, as well as those claims that depend therefrom, are in condition for allowance.

III. Dependent Claims

Applicants do not believe it is necessary at this time to further address the rejections of the dependent claims as Applicants believe that the foregoing places the independent claims in condition for allowance. Applicants, however, reserve the right to further address those rejections in the future should such a response be deemed necessary and appropriate

IV. Conclusion

Applicants respectfully submit that this Application is in condition for allowance for which action is earnestly solicited.

If a telephone conference would facilitate prosecution of this Application in any way, the Examiner is invited to contact the undersigned at the number provided.

V. Authorization

The Commissioner is hereby authorized to charge any fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4208-4006US1. **A DUPLICATE OF THIS DOCUMENT IS ATTACHED.**

Furthermore, in the event that an extension of time is required, the Commissioner is requested to grant a petition for that extension of time which is required to make this response

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Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: April 12, 2005

By:

A handwritten signature in black ink, appearing to read 'Angus R. Gill', is written over a horizontal line.

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